

# **EXHIBIT C**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**BRENDA ELROD,**

***Plaintiff,***

**v.**

**LOWE'S HOME IMPROVEMENT, LLC,**

***Defendant.***

§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 5:21-cv-00039  
JURY TRIAL DEMANDED**

---

**DEFENDANT LOWE'S HOME IMPROVEMENT, LLC**

*(incorrectly named and an improper party to this lawsuit)*

**INDEX OF MATTERS BEING FILED**

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Defendant, LOWE'S HOME IMPROVEMENT, LLC *(incorrectly named and an improper party to this lawsuit)* ("Defendant"), files this Index of all documents filed in the state court action:

- (1) Plaintiff's Original Petition file on February 11, 2021;
- (2) Correspondence from Plaintiff's counsel dated February 12, 2021 requesting issuance of citation;
- (3) Citation issued to Lowe's Home Improvement, LLC on February 12, 2021;
- (4) Affidavit of Service to Lowe's Home Improvement filed February 24, 2021; and
- (5) Defendant Lowe's Home Improvement, LLC's Original Answer to Plaintiff's Original Petition and Verified Denial filed March 18, 2021.

Respectfully submitted,

**MAYER LLP**

750 North Saint Paul Street, Suite 700  
Dallas, Texas 75201  
214.379.6900

By: /s/Robin R. Gant

Zach T. Mayer

State Bar No. 24013118

E-Mail: [zmayer@mayerllp.com](mailto:zmayer@mayerllp.com)

Robin R. Gant

State Bar No. 24069754

E-Mail: [rgant@mayerllp.com](mailto:rgant@mayerllp.com)

Mavish Bana

State Bar No. 24096653

E-Mail: [mbana@mayerllp.com](mailto:mbana@mayerllp.com)

**ATTORNEYS FOR DEFENDANT**

**LOWE'S HOME IMPROVEMENT, LLC**

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on March 18, 2021 the foregoing document was electronically filed, as required by the United States District Court for the Eastern District of Texas, using the Court's CM/ECF filing system, which will provide notice and a copy of this document, with attachments, to the following, who are indicated to be registered ECF filers in the United States District Court for the Eastern District of Texas:

James Craig Orr, Jr.  
HEYGOOD, ORR & PEARSON  
6363 N. State Hwy. 161, Suite 450  
Irving, Texas 75238

*Counsel for Plaintiff*

☐ E-MAIL ([jim@hop-law.com](mailto:jim@hop-law.com))

☐ HAND DELIVERY

☐ FACSIMILE

☐ OVERNIGHT MAIL

☐ REGULAR, FIRST CLASS MAIL

☒ CM/ECF

☐ CERTIFIED MAIL/RETURN RECEIPT REQUESTED

/s/Robin R. Gant

Robin R. Gant

# **EXHIBIT C-1**

CAUSE NO. 21C0175-202

BRENDA ELROD,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
VS.	§	_____ JUDICIAL DISTRICT
	§	
LOWES HOME IMPROVEMENT, LLC,	§	
	§	
Defendant.	§	_____ COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Brenda Eldrod ("Plaintiff") files this Original Petition complaining of Lowe's Home Improvement, LLC, ("Lowe's"), and for cause of action states the following:

**I.**  
**DISCOVERY CONTROL PLAN**

1. Pursuant to Rules 190.1 and 190.3 of the Texas Rules of Civil Procedure, Plaintiff states that discovery in this cause is intended to be conducted under Level 3.

**II.**  
**JURY DEMAND**

2. Pursuant to Rules 216 and 217 of the Texas Rules of Civil Procedure, Plaintiff requests a jury trial of this matter. Accordingly, Plaintiff tenders the proper jury fee with the filing of Plaintiff's Original Petition.

**III.**  
**PARTIES**

3. Plaintiff Brenda Elrod is an individual residing in Cass County, TX.

4. Defendant Lowe's Home Improvement, LLC is a North Carolina limited liability company doing business in the State of Texas which may be served with process by delivering the petition and citation to its registered agent for service CORPORATION SERVICE COMPANY,

2626 Glenwood Avenue, Suite 550, Raleigh, NC 27608. Lowe's has done and continues to do business in Texas. Lowe's maintains a regional office at 5700 Granite Pkwy, Plano, TX 75024.

**IV.**  
**VENUE AND JURISDICTION**

5. Venue is proper in this Court by virtue of TEX. CIV. PRAC. & REM. CODE §15.002(a)(1). Specifically, all or a substantial portion of the events occurred in Bowie County. Furthermore, this Court has jurisdiction in that the damages are within the jurisdictional limits of this Court. The amount in controversy exceeds this Court's minimum jurisdictional requirements.

**V.**  
**FACTS**

6. Lowe's is the owner/operator of a home improvement store located at 501 Walton Drive, Texarkana, TX 75501 ("The Premises"). At all times relevant to this case, Lowe's was the owner/operator of The Premises and maintained control over all aspects of The Premises. Lowe's was a possessor of The Premises.

7. On September 12, 2020, Plaintiff was lawfully on The Premises and was an invitee. Plaintiff was looking at the storm doors that were on display in the Lowe's located at 501 Walton Drive, Texarkana, TX 75501. When Plaintiff opened one of the storm doors to look at the door that was behind it, the door she opened suddenly came loose from its display and fell on her and Plaintiff was severely injured (herein referred to as "The Incident").

8. The Incident was proximately caused by the existence of a condition on the premises that was unreasonably dangerous and constituted an unreasonable risk of harm. The subject display was unreasonably dangerous in that it was not properly installed and secured.

9. Lowe's knew or reasonably should have known of the danger such condition posed since they were the ones who set up the display.

**VI.**  
**CAUSES OF ACTION**

**Negligence**

10. Plaintiff incorporates by reference the above paragraphs as if fully set forth herein.
11. Lowe's breached its duty of care to Plaintiff by:
  - a. Failing to keep The Premises in a reasonably safe condition;
  - b. Failing to inspect The Premises for defects;
  - c. Failing to warn or adequately warn Plaintiff of the unreasonably dangerous condition;
  - d. Failing to make the condition reasonably safe; and
  - e. Creating the unreasonably dangerous condition by not properly installing and securing the subject display.

**Premises Liability**

12. Plaintiff was an invitee on The Premises. Lowe's was the owner and operator of The Premises and was a possessor of The Premises. A condition on The Premises posed an unreasonable risk of harm. Lowe's knew and/or reasonably should have known of the danger. Plaintiff did not have actual knowledge of the danger. Lowe's breached its duty of ordinary care by (1) failing to adequately warn Plaintiff of the condition; and (2) failing to make the condition reasonably safe. Lowe's breach proximately caused Plaintiff's injuries and damages.

13. Each of the foregoing acts or omissions, singularly or in combination with others, constituted negligence and/or gross negligence which proximately caused The Incident and Plaintiff's injuries and damages.

**VII.**  
**PERSONAL INJURIES AND DAMAGES**

14. As a result of Defendant's negligence and/or gross negligence, Plaintiff has suffered personal injuries. Consequently, Plaintiff seeks recovery of the following damages:

- a. Medical Expenses: Plaintiff has incurred bodily injuries which were caused by The Incident and Plaintiff has incurred medical expenses for treatment of such injuries. Plaintiff believes that, in reasonable medical probability such injuries will require the need for future medical care.
- b. Lost Wages and Loss of Earning Capacity: Plaintiff has lost wages as a result of the personal injuries sustained in The Incident. Plaintiff reasonably believes that such injuries will diminish Plaintiff's earning capacity in the future.
- c. Physical Pain: Plaintiff has endured physical pain as a result of the personal injuries sustained in The Incident, and reasonably anticipates such pain will continue in the future.
- d. Mental Anguish: Plaintiff has endured mental anguish as a result of the personal injuries sustained in The Incident, and reasonably anticipates such mental anguish will continue in the future.
- e. Disfigurement: Plaintiff has endured disfigurement as a result of the personal injuries sustained in The Incident, and reasonably anticipates such will continue in the future.
- f. Impairment: Plaintiff has endured physical impairment as a result of the personal injuries sustained in The Incident, and reasonably anticipates such in the future.

#### **VIII.** **CONDITIONS PRECEDENT**

15. All conditions precedent to Plaintiff's right to recover the relief sought herein have occurred or have been performed.

16. Pursuant to Texas Rules of Civil Procedure 193.7, notice is hereby given of the intention to use any of the documents exchanged and/or produced between any party during the trial of this case.

#### **IX.** **RELIEF SOUGHT**



17. Pursuant to Texas Rules of Civil Procedure 47, Plaintiff seeks monetary relief of over \$250,000 but not more than \$1,000,000.

18. Plaintiff requests that Defendant be cited to appear and answer, and that this case be tried after which Plaintiff recovers:

- a. Judgment against Defendant for a sum within the jurisdictional limits of this Court for the damages indicated above;
- b. Pre-judgment interest at the maximum amount allowed by law;
- c. Post-judgment interest at the maximum rate allowed by law;
- d. Costs of suit; and
- e. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

**HEYGOOD, ORR & PEARSON**

/s/ James Craig Orr, Jr.

James Craig Orr, Jr.

State Bar No. 15313550

jim@hop-law.com

6363 N. State Hwy. 161, Suite 450

Irving, Texas 75238

(214) 237 9001

(214) 237 9002 (FAX)

**ATTORNEYS FOR PLAINTIFF**



A CERTIFIED COPY  
ATTEST: JILL HARRINGTON  
DISTRICT CLERK  
BOWIE COUNTY, TEXAS  
March 18, 2021  
BY: Stephanie Vetherington  
DEPUTY

# **EXHIBIT C-2**

# HO & P | HEYGOOD, ORR & PEARSON

6363 N. State Highway 161, Suite 450, Irving, TX 75038

214.237.9001 | 877.446.9001 | 214.237.9002 F

[www.hop-law.com](http://www.hop-law.com)

February 12, 2021

Bowie County District Clerk  
Civil File Desk  
710 James Bowie Drive  
New Boston, TX 75570

RE: Cause No. 21C0175-202; *Brenda Elrod v. Lowes Home Improvement, LLC*

Dear Clerk:

Please issue citation for private service upon the following Defendant:

1. **Lowes Home Improvement, LLC** to be served on **Corporation Service Company, 2626 Glenwood Avenue, Suite 550, Raleigh, NC 27608.**

Included is our firm's payment in the amount of \$8.00 for the citation.

Please return the **Citations** via e-mail to [terry@hop-law.com](mailto:terry@hop-law.com) for private service or contact me via phone or e-mail once the citations are ready so I can arrange for courier pick-up.

Thank you for your attention and assistance.

Sincerely,

*Terry-Ann Service*

Terry-Ann Service, Legal Assistant  
To James Craig Orr, Jr.  
[terry@hop-law.com](mailto:terry@hop-law.com)

/tms



A CERTIFIED COPY  
ATTEST: JILL HARRINGTON  
DISTRICT CLERK  
BOWIE COUNTY, TEXAS  
March 18, 2021  
BY: Stephanie Vetherington  
DEPUTY

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Terry-Ann Service on behalf of James Orr, Jr.  
Bar No. 15313550  
terry@hop-law.com  
Envelope ID: 50611623  
Status as of 2/12/2021 11:07 AM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
James CraigOrr, Jr.		jim@hop-law.com	2/12/2021 10:59:39 AM	SENT
Jessie Foss		jessie@hop-law.com	2/12/2021 10:59:39 AM	SENT
Terry-Ann Service		terry@hop-law.com	2/12/2021 10:59:39 AM	SENT

# **EXHIBIT C-3**

**CITATION – NON RESIDENT  
THE STATE OF TEXAS  
CAUSE NO: 21C0175-202  
STYLE: BRENDA ELROD  
VS.  
LOWE'S HOME IMPROVEMENT LLC**

TO: LOWE'S HOME IMPROVEMENT LLC by serving CORPORATION SERVICE COMPANY  
2626 GLENWOOD AVENUE SUITE 550  
RALEIGH NC 27608

**DEFENDANT in the above styled and numbered cause:**

**YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.**

Attached is a copy of the ORIGINAL PETITION W/JURY DEMAND in the above styled and numbered cause, which was filed on FEBRUARY 11, 2021 in the 202ND DISTRICT COURT of Bowie County, New Boston, Texas. This instrument describes the claim against you.

**ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, February 12, 2021.**

ADDRESS OF PLAINTIFF OR  
ATTORNEY FOR PLAINTIFF

JAMES CRAIG ORR, JR.  
6363 N STATE HIGHWAY 161 SUITE 450  
IRVING TX 75038



**JILL HARRINGTON  
BOWIE COUNTY DISTRICT CLERK  
710 JAMES BOWIE DRIVE  
NEW BOSTON, TEXAS 75570**

**BY:**

/s/ Deana Stiles

**DEPUTY**

**OFFICER'S RETURN (OUT OF STATE)**

That the within citation came to hand on the \_\_\_\_\_ day \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_.M. and executed in \_\_\_\_\_  
County State of \_\_\_\_\_, by delivering to the within named defendant, \_\_\_\_\_ at \_\_\_\_\_ o'clock  
\_\_\_\_\_.M. on \_\_\_\_\_, \_\_\_\_\_; each in person, a true copy of the petition attached thereto, having first endorsed on such copy of said  
citation the date of delivery

**CERTIFICATE OF DELIVERY**

I do hereby certify that I delivered to \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_.M.  
this copy of this instrument.

STATE OF \_\_\_\_\_

FEE \$ \_\_\_\_\_

\_\_\_\_\_  
DEPUTY

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE OR CLERK OF THE COURT**

**In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:**

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is  
(First, Middle, Last)

(Street, City, State, Zip)

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.**

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Declarant/Authorized Process Server

\_\_\_\_\_  
(ID # & Expiration of Certification)



A CERTIFIED COPY  
ATTEST: JILL HARRINGTON  
DISTRICT CLERK  
BOWIE COUNTY, TEXAS  
March 18, 2021  
BY: Stephani Vetherington  
DEPUTY

**CITATION – NON RESIDENT  
THE STATE OF TEXAS  
CAUSE NO: 21C0175-202  
STYLE: BRENDA ELROD  
VS.  
LOWE'S HOME IMPROVEMENT LLC**

TO: LOWE'S HOME IMPROVEMENT LLC by serving CORPORATION SERVICE COMPANY  
2626 GLENWOOD AVENUE SUITE 550  
RALEIGH NC 27608

**DEFENDANT in the above styled and numbered cause:**

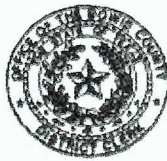
**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Attached is a copy of the ORIGINAL PETITION W/JURY DEMAND in the above styled and numbered cause, which was filed on FEBRUARY 11, 2021 in the 202ND DISTRICT COURT of Bowie County, New Boston, Texas. This instrument describes the claim against you.

**ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, February 12, 2021.**

ADDRESS OF PLAINTIFF OR  
ATTORNEY FOR PLAINTIFF

JAMES CRAIG ORR, JR.  
6363 N STATE HIGHWAY 161 SUITE 450  
IRVING TX 75038



**JILL HARRINGTON  
BOWIE COUNTY DISTRICT CLERK  
710 JAMES BOWIE DRIVE  
NEW BOSTON, TEXAS 75570**

**BY:**

/s/ Deana Stiles

**DEPUTY**

**OFFICER'S RETURN (OUT OF STATE)**

That the within citation came to hand on the \_\_\_\_\_ day \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M. and executed in \_\_\_\_\_

County State of \_\_\_\_\_, by delivering to the within named defendant, \_\_\_\_\_ at \_\_\_\_\_ o'clock

\_\_\_\_M. on \_\_\_\_\_, \_\_\_\_\_; each in person, a true copy of the petition attached thereto, having first endorsed on such copy of said citation the date of delivery

**CERTIFICATE OF DELIVERY**

I do hereby certify that I delivered to \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M. this copy of this instrument.

STATE OF \_\_\_\_\_

FEE \$ \_\_\_\_\_

\_\_\_\_\_  
DEPUTY

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE OR CLERK OF THE COURT**

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
(First, Middle, Last)

\_\_\_\_\_  
(Street, City, State, Zip)

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.**

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Declarant/Authorized Process Server

\_\_\_\_\_  
(ID # & Expiration of Certification)

# **EXHIBIT C-4**



Filed 2/24/2021 1:28 PM  
Jill Harrington  
District Clerk  
Bowie County, Texas  
Cory Dukes, Deputy

**AFFIDAVIT OF SERVICE**

State of Texas

County of Bowie

202nd District Court

Case Number: 21C0175-202

Plaintiff:  
**BRENDA ELROD**

vs.

Defendant:  
**LOWES HOME IMPROVEMENT, LLC,**

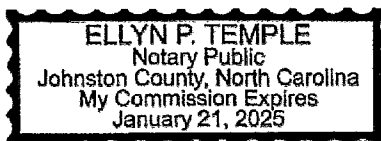
For:  
James Craig Orr Jr.  
6363 North State Highway 161  
Suite 450  
Irving, TX 75038

Received by On Time Process Service on the 12th day of February, 2021 at 12:30 pm to be served on **LOWE'S HOME IMPROVEMENT LLC** by serving **CORPORATION SERVICE COMPANY, 2626 Glenwood Avenue, Suite 550, Raleigh, NC 27608.**

I, Jennifer Adams, being duly sworn, depose and say that on the **16th day of February, 2021 at 12:50 pm, I:**

Executed service by hand delivering a true copy of the **Citation, Copy of Plaintiff's Original Petition**, to: **Heather Hughes personally as Intake Specialist** at the address of: **2626 Glenwood Avenue, Suite 550, Raleigh, NC 27608**, who is authorized to accept service for **LOWE'S HOME IMPROVEMENT LLC**, and informed said person of the contents therein, in compliance with state statutes.

"I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server in good standing in the judicial circuit in which the process was served. I have personal knowledge of the facts set forth in this affidavit, and they are true and correct."



Subscribed and Sworn to before me on the 22nd day of February, 2021 by the affiant who is personally known to me.

NOTARY PUBLIC

Jennifer Adams  
PI State of NC

**On Time Process Service**  
1700 Pacific Ave  
Suite 1040  
Dallas, TX 75201  
(214) 740-9999

Our Job Serial Number: **ONT-2021000770**  
Ref: 245713



A CERTIFIED COPY  
ATTEST: JILL HARRINGTON  
DISTRICT CLERK  
BOWIE COUNTY, TEXAS  
March 18, 2021  
BY: Stephanie Vetherington  
DEPUTY

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This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 50870698

Status as of 2/24/2021 1:42 PM CST

**Case Contacts**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
James CraigOrr, Jr.		jim@hop-law.com	2/24/2021 1:28:58 PM	SENT
Jessie Foss		jessie@hop-law.com	2/24/2021 1:28:58 PM	SENT
Terry-Ann Service		terry@hop-law.com	2/24/2021 1:28:58 PM	SENT

# **EXHIBIT C-5**

**CAUSE NO. 21C0175-202**

<b>BRENDA ELROD,</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b><i>Plaintiff,</i></b>	§	
	§	
<b>v.</b>	§	<b>BOWIE COUNTY, TEXAS</b>
	§	
<b>LOWE'S HOME IMPROVEMENT,</b>	§	
<b>LLC,</b>	§	
	§	
<b><i>Defendant.</i></b>	§	<b>202<sup>nd</sup> JUDICIAL DISTRICT</b>

**DEFENDANT LOWE'S HOME IMPROVEMENT, LLC**  
*(incorrectly named and an improper party to this lawsuit)*  
**ORIGINAL ANSWER AND VERIFIED DENIAL TO**  
**PLAINTIFF'S ORIGINAL PETITION**

Defendant, LOWE'S HOME IMPROVEMENT, LLC ("LHI"), *(incorrectly named and an improper party to this lawsuit)*, hereby files its Original Answer and Verified Denial to Plaintiff's Original Petition as follows:

**I.**  
**GENERAL DENIAL**

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demand strict proof thereof.

**II.**  
**VERIFIED DENIAL**

2. Pursuant to Rule 93 of the Texas Rules of Civil Procedure, subject to and without waiving its General Denial, and in the alternative, LHI, specifically denies that it has any liability and/or interest in the incident that forms the basis of the Plaintiff's lawsuit and said denial is supported by Declaration herein.

3. LHI further denies that it is a proper Defendant in this lawsuit and asserts that there is a defect of parties. LHI does not own, operate, or hold any interest in Lowe's retail stores.

4. Furthermore, LHI denies that it is a proper party to this lawsuit and hereby challenges this Court's jurisdiction over it. Thus, Defendant LHI asserts that Plaintiff is not entitled to relief from the named Defendant.

**III.**  
**PRAYER FOR RELIEF**

LOWE'S HOME IMPROVEMENT, LLC, (*incorrectly named and an improper party to this lawsuit*), prays that Plaintiff take nothing by this lawsuit, that Defendant goes hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

**MAYER LLP**

750 North Saint Paul Street, Suite 700  
Dallas, Texas 75201  
214.379.6900 / F:

By: /s/Robin R. Gant

Zach T. Mayer

State Bar No. 24013118

E-Mail: [zmayer@mayerllp.com](mailto:zmayer@mayerllp.com)

Robin R. Gant

State Bar No. 24069754

E-Mail: [rgant@mayerllp.com](mailto:rgant@mayerllp.com)

Mavish Bana

State Bar No. 24096653

E-Mail: [mbana@mayerllp.com](mailto:mbana@mayerllp.com)

**ATTORNEYS FOR DEFENDANT**

**LOWE'S HOME IMPROVEMENT, LLC**

(*incorrectly named and an improper party to this lawsuit*)

---

**UNSWORN DECLARATION OF ROBIN R. GANT  
UNDER PENALTY OF PERJURY**

---

1. My name is Robin R. Gant and I am a Partner at Mayer LLP. I am a member in good standing of the State Bar of Texas State. I have never been convicted of a crime. I am counsel for named Defendant Lowe's Home Improvement, LLC in this lawsuit.

2. I am of sound mind, over the age of eighteen years old, and capable of making this Declaration and it is made based on my own personal knowledge.

3. I am familiar with the facts stated in Section II of *Defendant Lowe's Home Improvement, LLC's Original Answer and Verified Denial to Plaintiff's Original Petition* and declare that said facts are true and correct.

4. I declare under penalty of perjury that the foregoing is true and correct. My work address is 750 North Saint Paul Street, Suite 700, Dallas, Texas 75201, 214.379.6908.

**EXECUTED** this 18<sup>th</sup> day of March 2021.



**ROBIN R. GANT**



A CERTIFIED COPY  
ATTEST: JILL HARRINGTON  
DISTRICT CLERK  
BOWIE COUNTY, TEXAS  
March 18, 2021  
BY: Stephanie Vetherington  
DEPUTY

**CERTIFICATE OF SERVICE**

This is to certify that on the 18<sup>th</sup> day of March 2021, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

James Craig Orr, Jr.  
HEYGOOD, ORR & PEARSON  
6363 N. State Hwy. 161, Suite 450  
Irving, Texas 75238

*Counsel for Plaintiff*

- ☐ E-MAIL
- ☐ HAND DELIVERY
- ☐ FACSIMILE
- ☐ OVERNIGHT MAIL
- ☐ REGULAR, FIRST CLASS MAIL
- ☒ E-FILE AND SERVE
- ☐ E-SERVICE ONLY
- ☐ CERTIFIED MAIL/RETURN RECEIPT REQUESTED

/s/ Robin R. Gant

Robin R. Gant

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Patty Mikula on behalf of Robin Gant  
 Bar No. 24069754  
 pmikula@mayerllp.com  
 Envelope ID: 51597746  
 Status as of 3/18/2021 12:01 PM CST

**Case Contacts**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Jessie Foss		jessie@hop-law.com	3/18/2021 11:48:25 AM	SENT
Terry-Ann Service		terry@hop-law.com	3/18/2021 11:48:25 AM	SENT
James CraigOrr, Jr.		jim@hop-law.com	3/18/2021 11:48:25 AM	SENT
Kristy Fisher		kfisher@mayerllp.com	3/18/2021 11:48:25 AM	SENT

**Associated Case Party: LOWES HOME IMPROVEMENT LLC**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Mavish Bana		mbana@mayerllp.com	3/18/2021 11:48:25 AM	SENT
Robin Gant		rgant@mayerllp.com	3/18/2021 11:48:25 AM	SENT
Zach Mayer		zmayer@mayerllp.com	3/18/2021 11:48:25 AM	SENT